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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.327 OF 2007

Shri Jawaharlal R. Chaurasia & 2 Ors. ... Petitioners

Vs.

The State of Maharashtra & Anr. ... Respondents

Ms. Archana Khan i/b Mr. J.R. Gupta for the petitioners.

Ms. A.S. Pai, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI & ANOOP V. MOHTA, JJ.

DATED : 22ND FEBRUARY, 2007.

P.C.:-

1. The petitioners are the Trustees of the Bombay Science and Research Education Institute & Gurukul (for convenience, “the said Institute”). By this petition, they are seeking quashing of FIR lodged against the said Institute at the Uran Police Station by respondent 2 – Director General of Shipping through Manotosh Purnachand Pal alleging offences under sections 418, 420 and 406 read with section 34 of IPC.

2. In short, the case of respondent 2 appears to be that the said Institute has not been granted recognition by respondent 2. The said Institute has published advertisement and made a false representation to people that the

qualifications of the said Institute are accepted in the examination conducted by the Union Public Service Commission and the State Government. According to respondent 2, the trustees and the office bearers of the said Institute have falsely represented to needy students that they will get CDC and COC Certificates which are necessary to get jobs on the ships. The said Institute has taken large sums towards fees for the said bogus marine course and thus cheated students.

3. We have heard Ms. Khan, the learned counsel for the petitioners, at great length. She submitted that the allegations made in the FIR are false. She submitted that the said Institute is affiliated to several Foreign Institutes and some of its students have already been recruited by them.

4. We have also heard Ms. Pai, the learned A.P.P. appearing for the State. The learned A.P.P. submitted that no case is made out for quashing of the FIR. She submitted that the said Institute has collected large amounts from the students but has not completed the courses run by it. There is no recognition of the Director General of Shipping for these courses. She pointed out that as many as 23 students have lodged complaints against the said Institute. The said Institute has collected large amounts from the students and have deposited that amount in its account. Ms. Pai pointed out that the anticipatory bail application filed by the petitioners has also been rejected by this court.

5. The learned A.P.P. produced before us a copy of the advertisement allegedly published by the petitioners. It is stated in the advertisement that the qualification given by the said Institute is highly respected qualification of the world which is of the level of Bachelor of Engineering (Hons. Degree) from the British University. It is further stated that in India, it is recognised by the Ministry of Human Resources & Development, Government of India and it is accepted by the Union Public Service Commission, Indian Forest Service Examination / Engineering Service Examination and all other Examinations conducted by Union Public Service Commission / State Government for recruitment to superior post services. It also states that it is also accepted by Indian Coast Guard, Indian Navy, Indian Air-force, for the appointment for commission officer and students can do their further education in any of the Universities in India for e.g. Indian Institute of Science (IISe), Banaras Hindu University and any University on individual basis. We are told that this representation is false. The learned A.P.P. contended that in view of the above, the petition be rejected.

6. We have carefully perused the complaint. Prima facie, it appears to us that in the absence of recognition from the Director General of Shipping, it is not possible for any one to start any institute and conduct marine courses for students. Not only would there be a monetary loss to the students, their future prospects would also be bleak. Prima facie, an offence of cheating is disclosed. It is, therefore, not possible to entertain this petition. We, however, make it clear that our observations are prima facie observations and the

investigation should proceed uninfluenced by them.

7. The petition is dismissed.

[SMT. RANJANA DESAI, J.]

[ANOOP V. MOHTA, J.]